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Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its eighty-first session, 17–26 April 2018

Opinion No. 25/2018 concerning Étienne Dieudonné Ngoubou (Gabon)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 33/30.

2. In accordance with its methods of work (A/HRC/36/38), on 15 December 2017 the Working Group transmitted to the Government of Gabon a communication concerning Étienne Dieudonné Ngoubou. Having requested an extension of the deadline, the Government replied to the communication on 12 March 2018. The State is a party to the International Covenant on Civil and Political Rights (the Covenant).

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

Submissions

Communication from the source

4. Étienne Dieudonné Ngoubou is a 53-year-old Gabonese citizen resident in Libreville. Mr. Ngoubou is a former Minister of Energy and Oil.

5. Shortly before 11 January 2017, Mr. Ngoubou reportedly heard rumours that he was wanted by the authorities. The source explains that, based on these rumours, Mr. Ngoubou feared he would be arrested. As a result, he reported to the Gabonese judicial authorities, specifically the Director General of Investigations, of his own accord on 11 January 2017.

6. According to the source, Mr. Ngoubou was arrested and placed in pretrial detention on 12 January 2017. He has been detained at Libreville Central Prison since then. His detention is based on an order of 12 January 2017 by the senior investigating judge to whom the case was referred by the State prosecutor in accordance with article 76 of the Code of Criminal Procedure. According to the prosecutor's indictment, Mr. Ngoubou is charged with misappropriation of public funds in the exercise of his functions as director general and later minister. However, Mr. Ngoubou was not provided with any other details, and no evidence to substantiate the charge of misappropriation was presented.

7. According to the source, Mr. Ngoubou's lawyers and family were refused access to Libreville Central Prison on several occasions.

8. On 16 January 2017, Mr. Ngoubou filed an appeal against the investigating judge's order on the grounds that the judge clearly lacked jurisdiction to investigate the case and could therefore not order his detention. The source claims that only the High Court of Justice has jurisdiction *ratione personae* to rule on this case, as the alleged offences took place in the exercise of the minister's duties. This rule is set out in article 78 of the Constitution, according to which ministers are criminally responsible only before the High Court of Justice.

9. The source explains that the senior investigating judge claimed jurisdiction on the grounds that the investigation of cases brought before the Special Criminal Court is conducted by an investigating magistrate of the court of first instance at the seat of the Libreville Court of Appeal. The source claims that, in doing so, the senior investigating judge was confusing the Criminal Court with the High Court of Justice. Thus, there was no basis for the investigating judge to claim jurisdiction.

10. In view of these findings, the Prime Minister referred the case to the Constitutional Court for interpretation of article 78 of the Constitution.

11. On 13 March 2017, the Constitutional Court ruled that, on leaving office, ministers lost their jurisdictional privileges and were criminally responsible before the ordinary courts for offences committed in the exercise of their duties. However, the source alleges that this interpretation is incorrect and was made for the Court's own ends, since it is clear from article 78 of the Constitution that it is the date on which the acts were committed that determines the jurisdiction of the High Court of Justice and, in the present case, that would thus be the only court to have jurisdiction.

12. Mr. Ngoubou filed another appeal against the order for pretrial detention on the basis of an objection to the court's jurisdiction. On 28 March 2017, the appeal was declared admissible but was rejected by the indictment division, which did not give the grounds for its conclusions.

13. The source explains that, on 19 July 2017, Mr. Ngoubou's defence lawyer filed an application for release on bail on the basis of his state of health, in accordance with articles 115, 116 and 126 of the Code of Criminal Procedure. Mr. Ngoubou's type 2 diabetes had led to high blood pressure and, in addition, a diagnosis of the first signs of hearing loss, all of which was substantiated by a medical certificate and two medical reports produced in 2017 during his detention. The source explains that his state of health had deteriorated during his detention. The investigating judge never ruled on the merits of this application.

14. Consequently, the source explains that, on 31 July 2017, Mr. Ngoubou's defence lawyer referred the case to the president of the indictment division of the Libreville Court

of Appeal, in accordance with article 122 of the Code of Criminal Procedure. Under this article, the indictment division must make a decision within eight days of receipt of the application. If the division does not give a ruling by that deadline, the accused must automatically be released by the Prosecutor General. According to the source, these actions did not yield any results. However, under the aforementioned legal provisions, Mr. Ngoubou should have been released on 9 August 2017; there has thus been no legal basis for his detention since that date.

15. The source also explains that Mr. Ngoubou's defence lawyer wrote to the Prosecutor General on 14 August 2017, requesting his release. The Minister of Justice was also informed of the situation in a letter dated 14 August 2017. Furthermore, the senior management of the prison service decided to return Mr. Ngoubou to the prison despite his state of health and against his doctor's advice. On arrival, he was transferred to the military hospital and waited for an hour in the emergency room before being treated. Since then, proceedings have stalled and there has been no response to the defence lawyer's requests.

Deprivation of liberty under category I

16. The source alleges that, under the Constitution, only the High Court of Justice has jurisdiction over cases involving ministers. Consequently, the detention of Mr. Ngoubou ordered by the investigating judge is unconstitutional and devoid of any legal basis. Legal actions taken by a court that does not have jurisdiction are null and void and this results in release.

17. Furthermore, the source alleges that, under article 122 of the Code of Criminal Procedure, the indictment division must make a ruling within eight days of receipt of the application for pretrial release. If the division does not give a ruling in that time, the accused shall automatically be released by the Prosecutor General. According to the source, these actions did not yield any results and there is thus no legal basis for maintaining Mr. Ngoubou in detention.

Arbitrary detention under category III

18. The source maintains that the State prosecutor's indictment indicates only that Mr. Ngoubou is being prosecuted for misappropriation of public funds, which he allegedly committed while serving as a minister. According to the source, the accused was not provided with sufficient details of the charges against him and the failure to provide this information is contrary to articles 9 and 14 of the Covenant.

19. The source also alleges that principle 10 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, which provides that "procedures shall allow anyone to bring proceedings before a court to challenge the arbitrariness and lawfulness of the deprivation of liberty and to obtain without delay appropriate and accessible remedies", was violated in this case. Indeed, the indictment division rejected Mr. Ngoubou's appeal against the order for his pretrial detention lodged on the basis of an objection to jurisdiction on its merits without reasoning its decision. Furthermore, there has been no response to any of the requests submitted since 28 March 2017.

Response from the Government

20. On 15 December 2017, the Working Group transmitted the source's allegations to the Government of Gabon under its regular communications procedure. The Working Group requested the Government to provide any comments that it would like to make on the allegations contained in the communication by 14 February 2018. On 13 February 2018, the Government replied and requested that the deadline be extended by one month as of 14 February 2018. It submitted its response on 12 March 2018, which was received by the Working Group on 14 March.

21. The Government rejects the source's allegations concerning Mr. Ngoubou's situation.

22. First, the Government wishes to make it clear that Mr. Ngoubou's placement in detention was decided by order of 12 January 2017 and not 11 January, as suggested by the source. The Government does not agree with the source's allegations that the lack of information and details as to the charges against Mr. Ngoubou in the State prosecutor's indictment render the detention arbitrary. According to the Government, in accordance with criminal procedure, the indictment is not intended to expand on the charges but simply to indicate the nature of the offence and the text of the applicable law.

23. Furthermore, in relation to Mr. Ngoubou's first appearance before the court and his indictment, the Government specifies that he was properly notified of the charges against him, specifically misappropriation of public funds. The Government contests the objection to jurisdiction raised by the source and Mr. Ngoubou's lawyer, citing various decisions of the Gabonese judicial authorities. Furthermore, the Government recognizes that Mr. Ngoubou's application for pretrial release dated 31 July 2017 went unanswered, as the investigating judge did not make a ruling within eight days as required under article 3 of the Code of Criminal Procedure.

24. Lastly, with regard to Mr. Ngoubou's health, the Government stresses that he was authorized to return to prison as of 22 August 2017 after his state of health was deemed satisfactory by the doctor.

Further information from the source

25. The Government's response was transmitted to the source on 19 March 2018, which in turn replied on 4 April 2018. It notes that the Government's request for an extension of the deadline for submission of what were ultimately just a few unclear arguments shows the lack of interest it attaches to the issue of pretrial detention.

26. As to the arbitrary nature of the detention, the source reiterates that the indictment division had a set deadline, in accordance with article 161 (2) of the Code of Criminal Procedure, to make its ruling, in this case 22 March 2017. However, no ruling was made. Mr. Ngoubou's defence lawyer consequently sent multiple letters to the Prosecutor General and the Minister of Justice. Despite these requests, Mr. Ngoubou remains in detention.

27. Concerning the Government's argument that the indictment need only indicate the nature of the offence in question and the applicable law, the source maintains that this is not in compliance with the relevant principles and international instruments by which Gabon is bound. The source recalls that the case was referred to the investigating judge *in rem* and that it is thus not possible, on reading the indictment, to know the charges against Mr. Ngoubou. This lack of certainty makes it impossible for him to prepare his defence. The source also notes that the Government did not acknowledge in its response that, during his first appearance in court, Mr. Ngoubou did not receive any additional information on the nature, date and material elements of the offences with which he is charged. The source argues that, in the circumstances, he could not defend himself and request that the necessary steps be taken to prove his innocence and could not give the required explanations in view of the notification he received. The source also maintains that the preliminary investigation was opened on the basis of an introductory indictment and that, as the indictment division found, it is a complex case. Accordingly, it would be reasonable to assume that the prosecutor has useful information on the alleged offences committed. However, none of the offences was indicated and Mr. Ngoubou has still not been informed of them. If the charge does not include these elements, the pretrial detention is unjustified. In any case, there is a violation of the right to a defence.

28. Concerning the Government's explanation that the investigating judge rejected the objection to jurisdiction filed by the defence, a decision upheld by the indictment division, the source notes that the Government has not responded to the objections raised by the defence on this point.

29. The source also notes that the Government acknowledges that the investigating judge did not make a ruling within eight days, as provided for in article 122 (3) of the Code of Criminal Procedure. However, it does not comment on the fact that the State prosecutor did not submit the case to the investigation chamber promptly so that it could rule on the merits of the application. The source thus notes that a decision on the application for

pretrial release of 19 July 2017 was issued by order of 29 September 2017, that is, 2 months and 10 days after the application was submitted. According to the source, this delay shows the Government's lack of interest in the case. In addition, it violates article 9 (4) of the Covenant, which provides for the right to take proceedings before a court without undue delay. The source also indicates that the Prosecutor General's Office put forward an argument that is compatible with that made by the defence in the context of Mr. Ngoubou's applications for pretrial release.

Discussion

30. Firstly, the Working Group wishes to express its gratitude to the parties for their cooperation in the present procedure.

31. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, the Government has challenged the allegations made by the source.

32. The Working Group recalls several reports that express concern at conditions of detention, access to health care for prisoners, the excessive length of pretrial detention and the failings of the Gabonese system, particularly in Libreville Central Prison.[1] Furthermore, the Working Group notes that the use of pretrial detention by the Gabonese authorities is a systematic practice (see CAT/OP/GAB/1, para. 44).

33. In the first instance, the Working Group notes that the source contests the jurisdiction of the judge who ordered Mr. Ngoubou's pretrial detention on the basis of article 78 (5) of the Constitution. According to the source, this lack of jurisdiction of the investigating judge constitutes a violation of Mr. Ngoubou's rights that falls under category I, as there is no legal basis for his arrest and detention. Nevertheless, the source's allegations concerning the lack of jurisdiction of the court to which Mr. Ngoubou's case was referred are not compelling. After all, when considering a communication, the Working Group does not, in principle, take the place of the domestic courts. However, it must ensure that the principle by which each individual has the right to a hearing by an independent and impartial court has been respected. In the present case, the argument put forward concerning the jurisdiction of the investigating judge has no relevance under international law and the Working Group thus cannot take a decision on it.

34. However, pretrial detention remains an exception and must always be justified, taking into account the individual's specific circumstances. In the present case, the Government has not substantiated the decision to keep him in pretrial detention by providing any information showing that Mr. Ngoubou's state of health was taken into account and that none of the alternative measures to detention was appropriate. This failure to take an individualized approach and to give reasons for the pretrial detention is contrary to international human rights law and thus renders the detention arbitrary under category I.

35. Second, according to the information provided by the source, the prosecutor's indictment does not include any information on the offences with which Mr. Ngoubou is charged. He therefore does not know the charges against him. The Working Group is of the view that it cannot be concluded from the information provided by the source that notification of the offence of misappropriation of public funds[2] was not received by Mr. Ngoubou and his defence lawyer.[3] However, the Working Group considers that, in view of

[1] The Committee against Torture highlights the lack of information on the enforcement of the law adopted on 26 December 2009 that provides for improved monitoring of persons serving their sentences and better prison management (see CAT/C/GAB/CO/1, para. 17 and A/HRC/WG.6/28/GAB/2, para. 16).

[2] Gabonese Criminal Code, art. 307.

[3] The court notification and indictment issued by the State prosecutor on the day of Mr. Ngoubou's arrest and pretrial detention, respectively, and the questioning to which Mr. Ngoubou was submitted suggest that he was aware of the charges against him as of the time of his arrest.

the reliability of the allegations made by the source, neither Mr. Ngoubou nor his defence lawyer had access to sufficient information justifying his arrest and detention. In fact, this view has not been disputed by the Government, which notes in its response that, under the country's criminal procedure, the indictment is not required to provide details of the charges against the accused. However, the Working Group believes that the preliminary indictment, the purpose of which is to inform the accused, should indicate the charges and the legal categorization of the offences.

36. In fact, this view is shared by the Human Rights Committee, which states that the reasons for arrest must include not only the general legal basis of the arrest, but also enough factual specifics to indicate the substance of the complaint.[4] The Working Group recalls that, under the Covenant and the Universal Declaration of Human Rights, all arrested persons must be informed of the reasons for their arrest and be promptly notified of any charges against them if ordinary criminal proceedings are brought against them[5] in order to guarantee equality of arms between the parties to the proceedings.[6] In the present case, the lack of information provided in the indictment constitutes a violation of Mr. Ngoubou's right to a fair trial. It thus falls under category III, as the lack of detail means that the accused does not know all the charges against him and cannot properly prepare his defence.

37. Third, the source and the Government disagree about the circumstances surrounding Mr. Ngoubou's first appearance before the investigating judge. The source claims, without providing any supporting evidence, that he was not provided with any details and that no evidence to support the charge of misappropriation was presented. The Government contests this assertion but does not provide any evidence to the contrary. It simply states that, during his court appearance, Mr. Ngoubou was indeed informed of the charges against him. However, the evidentiary rules defined in the Working Group's jurisprudence stipulate that if the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). Thus, the fact that the Working Group is not able to fully establish the facts in the present case does not preclude it from concluding that there has been a violation of Mr. Ngoubou's right to a fair trial, falling within category III, to the extent that the Government has not provided convincing evidence to support its version of events.

38. Fourth, the source submits that there is no legal basis for Mr. Ngoubou's detention since he has remained in pretrial detention in violation of domestic law. Indeed, as the indictment division did not make a ruling on the application for Mr. Ngoubou's pretrial release within the established deadline, in accordance with article 122 of the Code of Criminal Procedure,[7] he should automatically have been released on 9 August 2017 (paras. 13 to 15 above). The Government does not deny these facts and acknowledges that the application for pretrial release went unanswered. Although the indictment division rejected the application on 29 September 2017, that ruling was made well after the established deadline. Thus, Mr. Ngoubou is still in pretrial detention in violation of domestic law, which establishes a maximum duration of pretrial detention of one year, and article 9 (3) of

[4] General comment No. 35 (2014) on article 9 (Liberty and security of person), para. 25.

[5] Ibid., para. 24.

[6] Rule 119 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

[7] Under article 122 of the Gabonese Code of Criminal Procedure, all accused persons who have applied to the investigating judge under article 121 have the right to apply directly to the indictment division if the investigating judge does not respond within the established deadline. The indictment division then has eight days as of the date of receipt of the application to make a ruling on the application for release. If it does not make a ruling by that deadline, the individual must automatically be released.

the Covenant, which requires the accused to be brought promptly before a judge.[8] The law guarantees the right to be tried within a reasonable time or to be released.[9]

39. The Working Group recalls that pretrial detention is not the rule and should not be a systematic practice in Gabon (see CAT/OP/GAB/1, para. 44). It notes that the Human Rights Committee has explained that an important element of a fair trial is its expeditiousness and that, in cases in which the court refuses the accused release on bail, he or she must be tried as quickly as possible. The Committee has also recalled that the detention of defendants awaiting trial should not be the general practice, as pretrial detention must be based on an individualized determination that it is reasonable and necessary.[10]

40. Consequently, the fact that Mr. Ngoubou has been in pretrial detention since 2017, during which time the trial has not begun and there has been no individualized evaluation of the appropriateness of his detention, leads to the conclusion that his rights have been violated.[11] However, this violation does not fall under category I owing to a lack of legal basis, as claimed by the source, but under category III, as it is a violation of the right to an effective remedy.

41. Fifth, the source notes that, because of his state of health, Mr. Ngoubou requires ongoing care in a specialized centre and regular monitoring. In view of the prison conditions and practices in Gabon (see CAT/OP/GAB/1, para. 87 et seq.), the Working Group is particularly concerned at Mr. Ngoubou's lack of access to care during his detention at Libreville Central Prison. The Government claims, on the contrary, that Mr. Ngoubou has received care since 2 August 2017. He was transferred to a military hospital, where he stayed until 22 August 2017, when his state of health was declared satisfactory, according to the medical documents submitted by the Government.

42. The Working Group recalls that when prison conditions are so poor as to weaken a person in pretrial detention and, consequently, reduce equality of opportunity, a fair trial is no longer guaranteed, even if procedural guarantees are otherwise rigorously respected.[12] Although the medical certificates state that Mr. Ngoubou's state of health is satisfactory, the Working Group has serious reason to be concerned that the conditions of Mr. Ngoubou's pretrial detention have affected his capacity to defend himself and are in violation of article 10 of the Covenant, articles 4 and 5 of the African Charter on Human and Peoples' Rights and rules 24 and 25 of the Nelson Mandela Rules.

43. In view of the foregoing, the Working Group considers that the failure to meet the obligation to provide specific information concerning the charges against Mr. Ngoubou and the violations of the right to an effective remedy, provided for in article 2 (3) of the Covenant and article 8 of the Universal Declaration of Human Rights, of the rights to be tried in a reasonable time, to equality of arms,[13] to liberty pending trial and to a defence and the obligation on judges to give reasoned decisions, in the light of article 11 of the Universal Declaration of Human Rights, constitute a broader violation of the right to a fair trial under article 14 of the Covenant and article 10 of the Universal Declaration of Human Rights.

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[8] Article 117 of the Code of Criminal Procedure provides that, in criminal cases, the maximum duration of detention is 1 year.

[9] International Covenant on Civil and Political Rights, arts. 19 (3) and 14 (3); Universal Declaration of Human Rights, art. 9; African Charter on Human and Peoples' Rights, art. 7 (1); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 38.

[10] General comment No. 35, para. 29.

[11] See opinion No. 34/2017, paras. 40–42.

[12] See Human Rights Committee general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 69.

[13] See the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, guideline 5.

44. The Working Group finds that the source's claims raise many other violations of the right to a fair trial, in particular the right to receive visits from relatives[14] and the right to access to a lawyer.[15]

45. Taken together, all of these violations of the right to a fair trial are sufficiently serious for the Working Group to conclude that Mr. Ngoubou's detention is arbitrary under category III.

Disposition

46. In light of the foregoing, the Working Group renders the following opinion:

> The deprivation of liberty of Mr. Ngoubou, being in contravention of articles 8, 9, 10 and 11 of the Universal Declaration of Human Rights and of articles 2, 9, 10 and 14 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I and III.

47. The Working Group requests the Government of Gabon to take the steps necessary to remedy the situation of Mr. Ngoubou without delay and bring it into conformity with the relevant international norms, including those set out in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

48. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Ngoubou immediately and accord him an enforceable right to reparation, including compensation and a guarantee of non-repetition, in accordance with international law, and to provide him with medical care as needed and appropriate for his condition.

49. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Ngoubou and to take appropriate measures against those responsible for the violation of their rights.

Follow-up procedure

50. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether Mr. Ngoubou has been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to Mr. Ngoubou;

(c) Whether an investigation has been conducted into the violation of Mr. Ngoubou's rights and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Gabon with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

51. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example, through a visit by the Working Group.

52. The Working Group requests the source and the Government to provide the above information within six months of the date of the transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the

[14] Rules 43, 58 and 106 of the Nelson Mandela Rules; principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

[15] See the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, principles 9 and 10.

opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

53. The Government should disseminate through all available means the present opinion among all stakeholders.

54. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.[16]

[*Adopted on 23 April 2018*]

[16] See Human Rights Council resolution 33/30, paras. 3 and 7.